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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,959	12/18/2001	Dave Chandler	020824-000910US	3437
20350	7590	10/06/2003	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			ST CYR, DANIEL	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,959

Applicant(s)

CHANDLER ET AL.

Examiner

Daniel St.Cyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 6/13/03.

Claim Rejections - 35 USC § 103

2. Claims 1 and 3-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comisar et al, US Patent No. 3,944,788, in view of Graft, III, US patent No. 5,278,753, cited by the applicant.

Comisar et al disclose a voting recording apparatus comprising: a local control processor and storage device 10 having an associated control console 11; a precinct tally printer 13; a communication interface 16; a communication link, telephone line 17; a conventional punched-card vote recorder 20; a voter-terminal electronic interface 21; an electronic interface 21; a generally flat base 30 on which is mounted a flat plate 31; a matrix of holes 32 therein arranged in rows and columns; a multi-page ballot booklet, only one page of which is shown at 33, the pages are usually hinged separately, so that, as each page of the booklet is turned, a different column of holes in the matrix 32 is uncovered; a hand-held stylus 34; and a ballot card 36. (see figures 1, 2; col. 4, line 6+ and col. 5, line 7+).

Comisar et al fail to disclose or fairly suggest an information storage medium in a form of cartridge for storing the voters' selection.

Graft, III discloses an electronic voting system comprising; an information storage cartridge for storing the voters' selection (see col. 4, line 5+).

In view of Graft's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Comisar et al to include portable memory devices an alternate means to communicate the election's results from

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individual precinct to the election's headquarter. Such modification would make the system more reliable by eliminating data loss through other communication channels, such as modems, and would make the system more secured by physically transporting the results to the election's headquarter, and, therefore, avoid electronic tempering. Therefore, it would have been an obvious extension as taught by Comisar et al.

3. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comisar et al as modified by as Graft, III as applied to claims 1 and 3-19 above, and further in view of Brigida et al, US Patent No. 5,313,051.

Comisar et al as modified by Graft, III fail to disclose using a first antenna within the printed media and a second antenna in the stylus.

Brigida et al disclose a touch entry stylus 202 having antenna 806 and 818 and an overlay assembly 704 having an antenna 702.

In view of Brigida et al's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the teachings of Comisar et al as modified by Graft, III to include antenna elements in the overlay and in the stylus to facilitate communication between the stylus and the device. Such modification would make the system more effective by providing wireless communication means and would facilitate voters' interaction with device. Therefore, it would have been an obvious extension as taught by Comisar et al as modified by Graft, III.

Re claim 23, the language selection is not disclosed

However, it is common practice in the art for voting machines to include a plurality of languages wherein voters are provided with means to select their preferred language.

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It would have been obvious for an artisan at the invention was made to include the well-known concept into the system so that the system is operational in many different language. Such modification would make the system more user friendly and more convenient wherein people with different background could effectively operate the machine. Therefore, it would have been an obvious extension within an ordinary skill in the art.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greanias et al, US Patent No. 5,386,219, disclose a touch overlay for improved touch sensitivity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line.